

**Updates for South Norfolk Council's DEVELOPMENT MANAGEMENT COMMITTEE - 30 August 2023**

Item	Updates	Page No
<p>1. 2022/1976</p>	<p>1 additional response from the Diss Community Team with the following queries:</p> <ol style="list-style-type: none"> <li>1. Given that the access to the site from the A1066 is via a staggered and already dangerous junction what provisions are being made to improve this and remove the hazard.</li> <li>2. The open are of grassland proposed in the plan will require maintaining. Who will be responsible for this?</li> </ol> <p>Officer response:</p> <ol style="list-style-type: none"> <li>1. Improvements to the junction of Denmark Lane and the A1066 are not proposed. This was neither a requirement of the policy allocating the site for residential development, nor from the Highway Authority in their assessment of the application. As such there is no justification in requiring such improvements as part of this application.</li> <li>2. A management company is to be set up to manage the communal areas within the site, including those roadways and footways that are not being adopted by the Highway Authority. It is envisaged that that the public open space will be managed as part of this.</li> </ol>	<p><b>13</b></p>
<p>2. 2023/0617</p>	<p><u>Condition 13 – Fire Risk</u> The six tests of conditions in planning (further to NPPF para. 55), are namely:</p> <ol style="list-style-type: none"> <li>1. Necessary</li> <li>2. Relevant to Planning</li> <li>3. Relevant to development permitted</li> <li>4. Enforceable</li> <li>5. Precise</li> <li>6. Reasonable in all other respects</li> </ol> <p>After further consideration and analysis, condition 13 (Submission of a Fire Risk Assessment) has been removed from the recommended conditions.</p>	<p><b>33</b></p>

A recent allowed appeal decision dated 31<sup>st</sup> July 2023 against the decision of refusal of Buckinghamshire Council for a 7.2MW battery energy storage facility, in the Wycombe area:

*“22. Matters relating to health and safety are independent of the planning regime and therefore have no bearing on my considerations of the merits of the proposal.”*

It is also noted that the HSE and Norfolk Fire Rescue Service are not statutory consultees in the planning process for BESS applications.

It has also been noted that the nearby opposite BESS facility at Land North of Stoke Lane, Dunston (ref. 2021/2645) also did not impose such a condition.

Condition – Fencing colour

An additional condition (18) is proposed to secure agreement on materials / colour of the infrastructure and fencing.

Drainage

The Lead Local Flood Authority confirm that following the revised Flood Risk Assessment and Drainage Strategy, no objections are raised subject to condition (which has been already listed as condition 16).

BNG

A revised BNG report has been provided. This updates the biodiversity net gain to over 17% as it reflects the new trees and the pond (the seed mix reflects the habitat classification).

The assessment of the proposed development against the current baseline indicates an increase in Habitat Biodiversity Units on the site by 17.42% and for Hedgerow Biodiversity Units of 14.84%.

\*An additional representation set of comments has been provided. These have been outlined in full below the table as starred. The excel spreadsheet submitted with it is to be sent by email as part of this update.

3. 2022/0873	No updates	<b>53</b>
4. 2022/1265	<b>No Updates</b>	<b>61</b>
5 & 6. 2023/0841 2023/0842	No Updates	<b>70</b>
7. 2023/1290	The address of the site has been now more accurately reflected as 'Land North-East of The Bungalow' (rather than 'South-East'....)  'Scale' as a matter has now been requested to form a 'Reserved Matter' (alongside Appearance and Landscaping).	<b>77</b>
8 & 9. 2023/1751 2023/1752	<b>No Updates</b>	<b>90</b>

\*Item 2 – extra representation comments:

“Dear Richard

A line to say that neither I nor my colleague, Charles Carron Brown of Swainsthorpe, can be there tomorrow to hear DMC`s deliberations on EDFs revised application.

It is **good** to be able to say that, at last, we have a credible BESS applicant / application - after the paucity of evidence for the Council and others to consider re the first BESS application north of the NG site (now superseded by this much better one!), and those for Stoke Lane and for Mangreen. Thanks for your part in pursuing EDF with our concerns.

There are still issues we hope EDF may be more specific on and we're writing to them. We will cc to you for the file - mainly we accept these are outside the remit of the Council.

Four points for you to consider before tomorrow (sorry for the late arrival of this - holidays and now Covid!!)

### 1. EDF`s BESS experience

For your information I am not convinced from evidence I can access by their contention in their response to Table 5.1 that

*EDF-R has a portfolio of battery sites across the UK, details of which are publicly available. Across the projects which EDF-R has built to date there have been no reports of any safety or fire related incidents.*

The BEIS **Renewable Energy Projects database** updated to 30.6.23 shows that their `portfolio` in the whole of the UK is as follows:

EDF-Renewables only has one operational BESS in the UK - dating back to **2018** - rated at 49 Mw - associated with a solar scheme.

They have only one other BESS under construction (since 10/22) - a stand alone BESS of 49.9MW Mannington in E Dorset. We are asking if that is using the same battery containers as the application. Would it not have been helpful to SNDC know this? See also point 2 below

Their application for Hickling Lane is their largest yet - 114MW.

EDF do have 3 other stand alone BESS sites where an application is shown on the database  
7040 Lackenby - 49.9MW - approved 2017 - no build as of 30/6/23 - possibly superseded by ...  
7518 Lackenby2 - 49.9MW - approved 2019 - planning permission expired 2022  
8278 by Cottom Power stn - 50 MW submitted 10/2020 (following abandonment of their earlier application for the same location) - no decision recorded

None of the 7 other solar project-linked 49.9MW BESSs appear to have got beyond approval (they are located in Scotland and Wales - none are in construction)

All of which, from this key source, suggest they are being a bit less than transparent on their stand-alone BESS record and on evidence on their experience to build and manage this new project. We would be happy to be given up-to-date evidence by EDF which the REPD dataset has not picked up... maybe their relevant experience is from France (though the EU seem, from searches that I have carried out, to have banned grid-scale BESSs)?

Extract from REPD **attached** for information.

## **2. Evidence of the safety of the proposed containers**

EDF state these are safe and have passed all sorts of tests. They do not specifically state that this particular model of container is already in use across the world and has never to date produced problems. Given

recent evidence of a new form of container experiencing problems on 3 separate occasions in New York State despite all these rigorous technical tests this is important for residents nearby. Again we will press EDF on this - the US data is only from July - but it has led to a moratorium in operating new BESSs in NY State pending full investigation. We will alert NFRS to this evidence and hope EDF are not using the same technology!!

See: [https://storagewiki.epri.com/index.php/Failure\\_Event\\_-\\_US,\\_NY,\\_Chaumont\\_-\\_27\\_Jul\\_2023](https://storagewiki.epri.com/index.php/Failure_Event_-_US,_NY,_Chaumont_-_27_Jul_2023)

and

<https://spectrumlocalnews.com/nys/central-ny/public-safety/2023/08/01/jefferson-county-solar-farm-battery-fire>

### **3. The three `blank` spaces on each row of battery containers**

We are asking EDF why there are three `blank` container spaces at the end of each row of containers. If these 126 were added to the site in due course it would be nearly double the MW capacity, to nearly 200MW. **As far as we can see, no mention is made of the future development of the site for this - you might ask EDF for clarification on this before the DMC and will no doubt be able to advise whether EDF would be bound to apply again for a new planning permission to expand in this way?**

### **4. Emergency plan accessibility to other parties**

We are also querying with both NFRS and EDF why **an emergency plan for the Hickling Lane BESS site will not** be in the public domain. (Table 5.9) Maybe there is a threat from possible thieves? It would put local residents` minds at rest to see that their safety is well planned for - transparency still does not apply!

### **Conditions on approval**

We welcome the proposals for SNDC`s proposed conditions 13 Fire Strategy, 15 Security Measures and 17 Decommissioning Strategy. We will be interested to see the text of these in due course - they form part of what we are pursuing MPs and the Dept for Energy Security and Net Zero to make standard and fully enforceable.

Best wishes

Nick Miller Swardeston

with Charles Carron Brown, Swainsthorpe”